



**Australian Government**  
**Civil Aviation Safety Authority**

**CONSULTATION DRAFT**

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.068 and 172.022 of the *Civil Aviation Safety Regulations 1998*.

**[DRAFT ONLY – NOT FOR SIGNATURE]**

Pip Spence  
Director of Aviation Safety

[ month] 2023

**Part 65 (Air Traffic Service Licensing) Amendment (Fatigue Rules) Manual of Standards 2023**

**1 Name of instrument**

This instrument is the *Part 65 (Air Traffic Service Licensing) Amendment (Fatigue Rules) Manual of Standards 2023*.

**2 Commencement**

This instrument commences on the commencement of the *Part 172 (Air Traffic Service Providers) Amendment (Fatigue Rules) Manual of Standards 2023*.

**3 Amendment of the Manual of Standards for Part 65**

Schedule 1 amends the Manual of Standards issued by CASA under regulation 65.033 of CASR.

*Note* See the definition of *Manual of Standards* in regulation 65.010 of CASR.

**Schedule 1 Amendments**

**[1] Section 1.2, table, after the table row relating to the definition of “endorsement”**

*insert*

<b>Fatigue</b>	See Section 14.01.
<b>Fatigue risk management system, or FRMS</b>	See Section 14.01.

**CONSULTATION DRAFT**

# CONSULTATION DRAFT

- [2] Section 1.2, table, after the table row relating to the definition of “Manual of Standards”

*insert*

Part 172 Manual of Standards	See Section 14.01.
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- [3] After Chapter 13

*insert*

## CHAPTER 14: CONDITIONS ON LICENCES FOR FATIGUE MANAGEMENT

### 14.01 Definitions for Chapter 14

In this Manual of Standards:

***fatigue***, for the holder of an ATC licence or a flight service licence, means a physiological state of reduced alertness or capability to perform mental or physical tasks, which:

- (a) may impair the ability of the person to perform the person’s safety-related duties; and
- (b) is caused by one or more of the following:
  - (i) the person’s lack of sleep;
  - (ii) the person’s extended wakefulness;
  - (iii) the person’s circadian phase at any time;
  - (iv) the person’s workload of mental activities, or physical activities, or mental and physical activities at any relevant time.

*Note* Chapter 4 of the Part 172 Manual of Standards provides for ATS providers to have and implement a fatigue risk management system (FRMS) approved by CASA, for the management of fatigue in its provision of air traffic services.

***fatigue risk management system***, or ***FRMS***, has the meaning given by section 4.02 of the Part 172 Manual of Standards.

***Part 172 Manual of Standards*** means the Manual of Standards issued by CASA under regulation 172.022 of CASR.

*Note* See the definition of ***Manual of Standards*** in regulation 172.010 of CASR.

### 14.02 Obligation on ATC licence holder not to be fatigued

For the purposes of regulation 11.068 of CASR, it is a condition on an ATC licence that its holder must not begin to perform an air traffic control function if, due to fatigue, the holder is, or is likely to be, unfit to perform a task that the holder must perform for that function.

### 14.03 Obligation on flight service licence holder not to be fatigued

For the purposes of regulation 11.068 of CASR, it is a condition on a flight service licence that its holder must not begin to perform a flight service function

# CONSULTATION DRAFT

# CONSULTATION DRAFT

if, due to fatigue, the holder is, or is likely to be, unfit to perform a task that the holder must perform for that function.

*Note* Under paragraph 4.03(c) of the Part 172 Manual of Standards, an ATS provider that employs an ATC licence holder, or a flight service holder, has an obligation to ensure that the licence holder complies with a requirement imposed on the person by section 14.02 or 14.03 of this Manual of Standards.

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